

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA)
Plaintiff,)
v.) No. 4:19 CR 613 SRC
HARRY JOHN HAMM)
Defendant.)

MOTION FOR LEAVE TO FILE SEALED SENTENCING MEMORANDUM

Counsel requests leave to file her Sentencing Memorandum under seal. Sealing of the document complies with local rule 13.05 and the principles for sealing documents as suggested by the Judicial Conference of the United States. The sentencing memorandum contains information regarding defendant's physical and mental health history. The document also contains information regarding defendant's parents and descriptions of defendant's childhood victimization. The document describes defendant's military training, work history, counseling history and other identifying factors which are not suitable for public review. The nature and description of these items are so intertwined with the body of the memorandum as to make redaction of this information impractical.

The revision of Local Court Rule 13.05 outlining greater restrictions for sealing documents does not go into effect until March 1, 2021. None the less, even if the revised rule were to be in effect today the request for leave to file a sealed sentencing memorandum complies with the letter and the spirit of the rule and meets the seven principles for sealing documents as suggested by the Judicial Conference of the United States. The rule is designed to allow the Court discretion as to which documents should be filed under seal and to ensure that information is not sealed needlessly. Documents which contain confidential information regarding medical issues, mental health or substance use treatment and specifics regarding crime victimization are all appropriate topics to be filed under seal. When the information which is appropriate to be sealed is so embedded into the context of the document redaction becomes impossible. Mr. Hamm's status as a community figure heightens the level of scrutiny regarding his history and provides greater incentive for this Court to grant defendant's request for confidential information to remain sealed. This motion for request to file sealed document is available to the public and provides adequate notice of the contents of the sealed motion and the purpose of sealing the document.

WHEREFORE, counsel requests this Court grant leave for her Sentencing Memorandum to be filed under seal. If granted Counsel will provide a copy to the office of the United States Attorney via hand delivery.

/s/Nanci H. McCarthy
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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on February 22, 2021, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon Robert Livergood, Assistant United States Attorney.

/s/Nanci H. McCarthy
NANCI H. MCCARTHY
Assistant Federal Public Defender